

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE MARKBREITER,

Plaintiff,

09-cv-05573 (LAK)

v.

BARRY L. FEINBERG, M.D., P.C. and  
BARRY L. FEINBERG,

**NOTICE OF MOTION**

Oral Argument Requested

Defendants.

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PLEASE TAKE NOTICE that, upon the Amended Complaint, the Amended Answer to Amended Complaint with Affirmative Defenses and Counterclaims, and Plaintiff's Answer to Counterclaims, and the accompanying Memorandum of Law, Plaintiff-Counterclaim Defendant Stephanie Markbreiter will move this court, at the United States Courthouse, 500 Pearl Street, Courtroom 12D for an Order pursuant to Fed. R. Civ. P. Rule 12(c) and (f) dismissing all counterclaims without prejudice for lack of subject matter jurisdiction and dismissing and striking Defendants' twentieth affirmative defense for legal insufficiency.

December 4, 2009

PEDOWITZ & MEISTER, LLP

By \_\_\_\_\_

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